

Remarks:

Applicants have read and considered the Office Action dated March 26, 2008 and the references cited therein. Claim 1 has been amended. Claim 6 was previously cancelled. New claim 24 has been added. Claims 1-5 and 7-24 are currently pending. Reconsideration and reexamination are hereby requested.

In the Office Action, claims 1-5 and 7-22 were rejected as being unpatentable over Baumgart et al. The Office Action indicated that the claims were rejected for the same reasons set forth in the prior Office Action.

Applicants respectfully traverse the rejection. Applicants also note that in the Response to Arguments, the Examiner indicated that cross-linking is a species of the genus of curing. In addition, the Examiner has taken the position that all cross-linking involved in the curing process is activated by actinic radiation and cites column 8, beginning at line 20 of Baumgart et al., which states "the cross-linking component (B) must have reactive functional groups containing at least one bond which can be activated with actinic radiation." The Action states that whether other processes such as thermal may occur as a part of overall curing is irrelevant as the claims require only cross-linking by actinic radiation. Applicants assert that the claims do not state that the claims only require cross-linking by actinic radiation. The claims require cross-linking solely by exposure to ultraviolet radiation. Applicants assert that this is a fundamental difference over the interpretation given in the Office Action and that the cited section of Baumgart does not cover such a situation. Although this section of Baumgart states that the resins must have reaction functional groups containing at least one bond which can be activated with actinic radiation, Applicants assert that Baumgart also requires thermal resins that can be cross-linkable by thermal radiation. Applicants assert that the Baumgart reference does not teach or suggest this important limitation recited in claim 1. Claim 1 has also been clarified to recite that the one or more acrylic based resins are not cross-linkable by exposure to thermal radiation.

Moreover, Applicants note that the flash period of Baumgart is substantially longer and requires a much higher temperature and causes a chemical reaction of the isocyanate reactive groups. In the present application, the flash period is reduced in time and carried out at a lower temperature and only has the function of eliminating the solvent contained in the paint, but does not cause chemical reactions. Therefore, the paint does not undergo cross-linking of any type from thermal radiation. The claim has also been clarified to state that in the flash period, the paint does not undergo a chemical reaction caused by exposure to the thermal radiation of temperatures up to 60°C. Conversely, the Baumgart reference does teach baking and curing including cross-linking by exposure to thermal radiation. Applicants assert that the binders are curable thermally or both thermally and with actinic radiation, as recited at column 3, lines 44-45. Applicants also note that the Baumgart reference states that it is the object of the present invention to provide a novel coating material curable thermally and with actinic radiation as recited at column 2, lines 52-54. Applicants assert that claim 1 has been clarified to recite that the paint does not undergo a chemical reaction caused by exposure to thermal radiation of temperatures up to 60°C. This is in stark contrast to Baumgart, which clearly recites both thermal and actinic radiation.

Moreover, new claim 24 has been added to recite that the resins comprise single cure resins. Applicants note that the Baumgart et al. reference teaches dual cure cooling materials in the background and Applicants have provided a paint that has a single cure resin. Applicants assert that one of ordinary skill in the art would understand the limitation and is clearly supported by the specification as filed.

Applicants have also amended claim 1 to recite that the paint is a single coat paint. Baumgart creates a double component or multi-component systems with cross-linking agents that can contain both free and blocked isocyanate groups. The paints of the invention are insensitive to the heating and undergo cross-linking only by exposure with UV light and with photo initiators. Applicants note that in Baumgart, such photo initiators are optional as the

actinic cross-link is only part of the total cross-linking as the paint undergoes at least partial cross-linking in an oven through exposure to thermal radiation. Applicants assert that upon careful reading of all portions of Baumgart and claim 1 as now amended, it can be seen that the claim patentably distinguishes over the prior art or any combination thereof. Applicants request that the rejection under 35 U.S.C. § 103(a) over Baumgart be withdrawn.

Applicants note that claim 23 has been allowed. Applicants thank the Examiner for the allowance of claim 23.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 9/26/08

By: 
Gregory A. Sebold
Reg. No. 33,280
GAS/krm